

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
Leslie Vos
Applicant for Dental Assistant License

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Leslie Vos ("Applicant") and the Minnesota Board of Dentistry's Licensure/Credential Committee ("Committee") composed of Board members, David Linde, D.D.S. and Allen Rasmussen, agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minn. Stat. ch. 150A, § 214.10, and § 214.103 to license and regulate dental assistants and to take disciplinary action when appropriate.

2. Applicant submitted a license application to practice dental assisting in the State of Minnesota to the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On September 2, 2011, Applicant appeared before the Committee composed of Board members, David Linde, D.D.S. and Allen Rasmussen, to discuss allegations made in a Notice of Conference dated August 4, 2011. Daphne A. Lundstrom, Assistant Attorney General, represents the Committee in this matter.

4. Applicant has been advised by Committee representatives that she may choose to

be represented by legal counsel in this matter, and has elected to be represented by T. Michael Speidel.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Applicant successfully completed the dental assisting program at Dakota County Technical College in August 2007.

b. Applicant passed the Minnesota Jurisprudence Examination in April 2007 and the Minnesota Registration Examination in October 2007.

c. In April 2011, Applicant was informed that she was not licensed with the Board. In her May 2011 letter to the Board, and at the conference, Applicant stated that she thought her college instructor had submitted the appropriate documentation to the state for her dental assistant license in 2007, but now realizes that she was mistaken. Therefore, Applicant performed expanded duties beyond those allowed under Minnesota Rules part 3100.8400 from approximately November 2007 to April 2011.

d. On June 21, 2011, the Board received Applicant's completed application for licensure to practice dental assisting, including having passed the Dental Assisting National Board Examination.

IV.

LAWS

6. Applicant acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. §150A.08, subd. 1(6) (personal conduct which brings discredit to the profession of dental assistants or contrary to the best interest of the public), Minn. Stat.

§150A.08, subd. 1(6) and Minn. R. 3100.6200 F (performing services not authorized by the dentist, the act, or these rules), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

7. Applicant and the Committee recommend that the Board grant Applicant a license to practice dental assisting in the State of Minnesota. Applicant and the Committee further recommend that the Board may take the following disciplinary action and require compliance with the following terms, conditions, and requirements:

a. Applicant is hereby **REPRIMANDED** for the conduct referenced in section III. above.

b. Applicant shall pay to the Board a **CIVIL PENALTY** in the amount of \$300. Within one year from the effective date of this Order, the civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Dentistry and shall be delivered personally or by mail to the Minnesota Board of Dentistry, c/o Marshall Shragg, Executive Director, 2829 University Avenue S.E., Suite 450, Minneapolis, Minnesota 55414.

CONDITIONS

Applicant's license shall be subject to the following conditions:

c. Jurisprudence Examination. Within 90 days from the effective date of this Order, Applicant shall take and pass the Minnesota jurisprudence examination. Applicant may take the jurisprudence examination within the 90-day period as many times as necessary to pass the examination, however, Applicant may take the examination only once each day. At the end of the examination session, Applicant will receive a printed score report from Prometric. Applicant must submit to the Board either an original printed score report or a notarized copy of the score report as proof of having passed the jurisprudence examination. Applicant is

responsible for locating a testing center, registering for the jurisprudence examination, and paying for the examination fee through the Board's contracted testing agency, Prometric Incorporated. [A link for Prometric can be found on the Board's website under Licensing.]

d. Community Service. Within one year from the effective date of this Order, Applicant shall complete thirty (30) hours of unpaid community service at a voluntary dental access clinic, e.g. Uptown Dental Clinic, Sharing and Caring Hands Dental Clinic, Union Gospel Dental Clinic, or other voluntary dental access clinic located in Applicant's community. Applicant shall submit to the Committee evidence of successfully completing 30 hours of service.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. It is Applicant's responsibility to ensure that payment of the civil penalty is submitted to the Board on or before the due date. Failure to submit payment of the civil penalty on or before the due date is a violation of this Stipulation and Consent Order.

9. If Applicant fails to comply with or violates this Stipulation and Consent Order or it is determined Applicant has further violated Minnesota Statutes chapter 150A or Minnesota Rules chapter 3100, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Applicant a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within seven days after the notice is mailed, Applicant shall submit a written response to the

allegations. If Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with the Applicant prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through the procedures of Minnesota Statutes Section 214.103, subdivision 6.

c. Prior to the hearing before the Board, the Committee and Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Applicant may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Applicant has failed to submit a timely response to the allegations, Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Applicant waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Applicant's correction of a violation prior to the conference, hearing or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the

Board may impose additional discipline, including additional conditions or limitations on Applicant's practice, suspension, or revocation of Applicant's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Applicant's license pursuant to Minnesota Statutes Section 150A.08, subdivision 8, based on a violation of this Stipulation and Consent Order or based on conduct of Applicant not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

10. Within ten days of execution of this Stipulation and Consent Order, Applicant shall provide the Board with the names of all states in which Applicant is licensed to practice dental assisting or holds any other professional or occupational license or registration.

11. Applicant may petition to have the conditions removed from Applicant's license at any regularly scheduled Board meeting no sooner than one year after the effective date of this Order provided that Applicant's petition is received by the Board at least 30 days prior to the Board meeting. Applicant shall have the burden of proving that Applicant has complied with the conditions and that Applicant is qualified to practice dental assisting without conditions. Applicant's compliance with the foregoing requirements shall not create a presumption that the conditions should be removed. Upon consideration of the evidence submitted by Applicant or obtained through Board investigation, the Board may remove, amend, or continue the conditions imposed by this order.

12. Applicant waives the contested case hearing and all other procedures before the Board to which Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

13. Applicant waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Applicant.

14. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

15. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

16. Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

17. Applicant agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

18. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Applicant which constitutes grounds for

disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

19. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

20. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

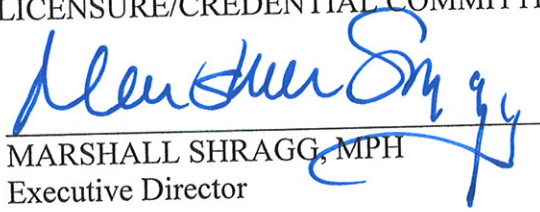
APPLICANT


LESLIE VOS

Dated: Sept. 12, 2011

LICENSURE/CREDENTIAL COMMITTEE

By:


MARSHALL SHRAGG, MPH
Executive Director

Dated: September 20th, 2011

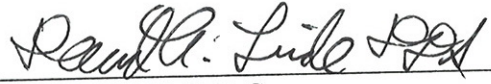
ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records, and proceedings herein,

The terms of the Stipulation are approved and adopted, and the recommended disciplinary action set forth in the Stipulation is hereby issued as an Order of this Board effective this 23rd day of September, 2011.

MINNESOTA BOARD
OF DENTISTRY

By:



DAVID LINDE, D.D.S.
President